GOVERNMENT OF INDIA
COMMERCE AND INDUSTRY
LOK SABHA

UNSTARRED QUESTION NO:2957
ANSWERED ON:07.12.2001
PATENT OF BASMATI AND OTHER ITEMS
JAYABEN B. THAKKAR

Will the Minister of COMMERCE AND INDUSTRY be pleased to state:

(a) whether the Government are aware that close on the heels of basmati being patented by Rice Tec. Inc. of USA, Karela (bitter gou

(d), Jammun (black berry) and Brinjal have been patented by another American company-Cromak Research Inc. ; and

(b) if so, the reaction of the Government on the patents of these items ?

Answer

The Minister of State in the Ministry of Commerce and Industry (Dr. Raman Singh)

(a): A patent number 5900240 titled `Herbal compositions and their use as hypoglycemic agents` was granted by United States Patent and Trademark Office on 4 May, 1999 to M/s Cromak Research Inc. USA

(b): Patents are granted under the sovereign prerogative of countries according to their respective patent laws and have territorial effect, that is, they are effective only in the country of grant.

As and when information is received about patents being obtained on certain items which are not considered patentable and which affect Indian interests, steps are taken to assess whether the grant of such patents can be challenged under the patent laws of the country concerned. A patent is normally challenged by the person(s) whose interests are affected/jeopardised.

Earlier, a patent granted in the United States of America on the use of turmeric for wound healing was challenged and the said patent was cancelled. Certain claims, which had the potential of affecting India`s commercial interests, of the patent on basmati rice granted in USA were also challenged. These were subsequently cancelled.

In order to protect bio-resources, the Patents (Second Amendment) Bill,1999, contains provisions for mandatory disclosure of source and geographical origin of the biological material used in the invention while applying for patents in India. Provisions have also been incorporated to include the non-disclosure or wrongful disclosure of the same as grounds for opposition and for revocation of the patent, if granted. Provisions in this regard are contained in clauses 8, 17 and 28 of the said Bill.

In order to protect traditional knowledge from being patented, provisions have been incorporated in the Patents (Second Amendment) Bill, 1999, to include anticipation of invention by available local knowledge, including oral knowledge, as one of the grounds for opposition as also for revocation of patent. Provisions in this regard are contained in clauses 17 and 28 of the said Bill.

Apart from this, Government has also undertaken the development of a digital database of traditional knowledge in the field of medicinal plants to prevent patenting of products based on such knowledge.